



REGULATIONS

Last Updated November 1, 2006

STATUTES

Title 54.1, Chapter 22.1



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NOTICE OF REGULATORY CHANGES

These regulations became effective on November 1, 2006. The following is a summary of these changes:

- **A waste management facility for which the Board has not established training and licensure requirements may be operated by a Class I licensee.**
- **Applicants using experience to substitute for a high school diploma must have obtained that experience during the seven years immediately preceding the date of application.**
- **Applicants must document at least one year of operating experience with a waste management facility in order to qualify for licensure.**
- **Repealed language requiring facility specific training to have been completed after January 1, 1989 and language concerning the first renewal after May 1, 2000, which assigned a single expiration date to all classes of license held by a single individual. This language is obsolete.**
- **License renewal applicants must state that they are in compliance with all Virginia and federal laws and regulations.**
- **Amended the training course curriculum section to be more reflective of current technology and training needs.**
- **Amended the "grounds for denial of application, denial of renewal or discipline" section to make renewing a license through fraudulent means or misrepresentation a ground for license denial and disciplinary action, and to cite the provisions of Section 54.1-204 of the Code of Virginia pertinent to applicants with criminal convictions.**

STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your Virginia Waste Management Facility Operator license. The law that governs your profession is found in the Code of Virginia, 1950, as amended, in Title 54.1, Chapter 22.1. The law permits the Board for Waste Management Facility Operators to promulgate regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the law and regulations that you will need to know and obey to get and keep your license. **BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR THE LOSS OF YOUR LICENSE.**

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in the booklet, please write to:

Virginia Board for Waste Management Facility Operators
Department of Professional and Occupational Regulation
Perimeter Center
Suite 400
9960 Mayland Drive
Richmond, VA 23233

or contact the Agency by telephone at (804) 367-8595 or by e-mail at wastemgt@dpor.virginia.gov

Copies of the law and regulations mentioned above, as well as copies of the application forms needed to apply for a license, may be found on the Department's web site at www.dpor.virginia.gov.

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PART I
GENERAL.

18VAC155-20-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Board" means the Board for Waste Management Facility Operators.

"Board-approved training course" means a course that has been approved by the board to provide appropriate training to an applicant in accordance with this chapter.

"Class I license" means the authorization from the board to act as a waste management facility operator of a transfer station, a material recovery facility receiving mixed waste, an experimental facility, or a composting facility receiving yard waste.

"Class II license" means the authorization from the board to act as a waste management facility operator of a facility that composts municipal solid waste, a sanitary landfill, an industrial landfill, a construction landfill or a debris landfill.

"Class III license" means the authorization from the board to act as a waste management facility operator of an infectious waste incinerator or autoclave.

"Class IV license" means the authorization from the board to act as a waste management facility operator of a municipal waste combustor.

"Closed facility" means a solid waste management facility that has been properly secured in accordance with an approved facility closure plan.

"Closure" means an act of securing a solid waste management facility pursuant to the requirements established by the Virginia Department of Environmental Quality or appropriate regulatory authority.

"Contact hour" means 50 minutes of participation in a group program or 60 minutes of completion time for a project.

"Continuing professional education/training (CPE/T)" means an integral part of the lifelong learning process that enables a licensed solid waste management facility operator to maintain and increase the competence

required to assure the public's protection, which shall be pursued through an organized program or project in compliance with this chapter.

"Department" means the Department of Professional and Occupational Regulation.

"Full-time employment" means 1,760 hours per year or 220 work days per year.

"In charge" means the designation of any person by the owner to have duty and authority to operate or modify the operation of a waste management facility.

"License" means an authorization issued by the board to an individual to practice as a waste management facility operator who meets the provisions of this chapter.

"Municipal solid waste (MSW)" means that waste that is defined as "municipal solid waste" in 9VAC20-80-10.

"Municipal waste combustor" means a mass burn or a refuse derived fuel incinerator or facility designed or modified for the purpose of noninfectious solid waste combustion.

"Operation" means any waste management facility that is under construction, treating, processing, storing or disposing of solid waste, or in the act of securing a facility for closure.

"Organized program" means a formal learning process designed to permit a participant to learn a given subject or subjects through interaction with an instructor in a formal course, seminar or conference.

"Owner" means the person who owns a solid waste management facility or part of a solid waste management facility.

"Person" means an individual, corporation, partnership, association, governmental body, municipal corporation or any other legal entity.

"Project" means a learning process designed to permit a participant to perform work assigned by the owner, operator or manager of a waste management facility under the supervision of a knowledgeable person that results in a specific, predetermined end result and that increases the participant's competence to practice as a waste management facility operator.

"Site" means within the vicinity of all land and structures, other appurtenances, and improvements thereon used for treating, storing, and disposing of solid waste. This term includes adjacent land within the property boundary used for the utility systems such as repair, storage, shipping or processing areas, or other areas incident to the management of solid waste.

"Solid waste" means any of those materials defined as nonhazardous solid waste in regulations promulgated by the Virginia Department of Environmental Quality.

"Storage" means housing a solid waste as consistent with the regulations of the Virginia Waste Management Board.

"Substantial change" means a deviation from a specific course that decreases the approved time of the course by more than 30 minutes or modifies the topics of the approved course to below the target levels of knowledge, as stated in the course application.

***"Waste management facility" means a site used for planned treatment, storage, or disposal of nonhazardous solid waste.**

***"Waste management facility operator" means any person, including an owner, who is in charge of the actual, on-site operation of a waste management facility during any period of operation.**

***As defined by Chapter 22.1 (§54.1-2209 et seq.) of Title 54.1 of the Code of Virginia.**

Historical Notes:

Derived from VR674-01-02 §1.1, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000; Volume 22, Issue 26, eff. November 1, 2006.

18VAC155-20-20. License required.

For the purposes of this chapter, the individual acting as a waste management facility operator is an individual employed or contracted by the facility owner whose responsibilities include supervision of on-site activities and who, on and after January 1, 1993, has been licensed by the Board for Waste Management Facility Operators or is under the direct supervision of a waste management facility operator licensed by the Board for Waste Management Facility Operators.

Historical Notes:

Derived from VR674-01-02 §1.2, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000.

18VAC155-20-30. Disclosure.

A. Any individual seeking licensure shall disclose on the application any other operator or related license issued by any other state(s).

B. Any individual seeking licensure shall disclose on the application any felony convictions or any final order actions issued by an administrative body or court regarding environmental violations or crimes resulting in the significant harm or the imminent and substantial threat of significant harm to human health or the environment.

C. Each licensee shall notify the board in writing within 30 days of any felony convictions or final order actions issued by an administrative body or court regarding environmental violations or crimes resulting in the significant harm or the imminent and substantial threat of significant harm to human health or the environment.

Historical Notes:

Derived from VR 674-01-02 §1.3, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000.

18VAC155-20-40. Fees.

A. All fees are nonrefundable and shall not be prorated.

B. An application shall not be deemed complete and shall not be processed without the required fee.

1. The application fee for licensure shall be \$75.

2. The fee for renewal of licensure shall be \$50.
3. The fee for late renewal of licensure shall be \$75.
4. The fee for reinstatement of licensure shall be \$125.
5. The fee for taking the examination or reexamination for licensure shall be \$150. This examination fee is subject to fees charged to the department by an outside vendor competitively negotiated and contracted for in compliance with the Virginia Public Procurement Act (§11-35 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with this contract.
6. The application fee for training course approval shall be \$125.
7. The fee for paying any of the above fees with a check or other instrument not honored by the bank or other financial institution upon which it is drawn shall be \$25.

C. All checks shall be made payable to the Treasurer of Virginia.

D. Receipt and deposit of fees submitted with applications do not indicate licensure.

Historical Notes:

Derived from VR 674-01-02 §1.4, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 13, Issue 4, eff. December 11, 1996; Volume 15, Issue 13, eff. May 1, 1999; Volume 16, Issue 14, eff. May 1, 2000.

18VAC155-20-50. Change of status.

- A. Each licensee shall provide written notification of any change of address to the department within 30 days.
- B. Each licensee shall provide written notification and proof of any change of name to the department within 30 days.
- C. The license issued by the board shall not be transferred or otherwise reassigned.

Historical Notes:

Derived from VR 674-01-02 §1.5, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000.

18VAC155-20-60 to 18VAC155-20-90. [Repealed]

Historical Notes:

Derived from VR 674-01-02 §§2.1 to 3.1, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; repealed, Virginia Register Volume 16, Issue 14, eff. May 1, 2000.

PART II

LICENSURE

18VAC155-20-100. Licensure required.

Licensure is required for all individuals acting as waste management facility operators after June 30, 1995.

Historical Notes:

Derived from VR 674-01-02 §4.1, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000.

18VAC155-20-110. License classification.

A. The applicant shall apply for at least one classification of license as outlined below:

1. An individual operating a facility that is defined by the Department of Environmental Quality as a transfer station, a material recovery facility receiving mixed waste, an experimental facility, or a composting facility receiving yard waste shall hold a Class I license. An individual who has obtained a Class II, III or IV license may also operate a facility listed under Class I, if the individual has completed the board-approved basic training course.
2. An individual operating a facility that composts municipal solid waste, or is defined by the Department of Environmental Quality as a sanitary, industrial, construction or debris landfill, shall hold a Class II license.
3. An individual operating a facility defined by the Department of Environmental Quality as an infectious waste incinerator or an autoclave shall hold a Class III license.
4. An individual operating a facility defined by the Department of Environmental Quality as a municipal waste combustor shall hold a Class IV license.

B. A licensee may not operate a facility outside of his classification other than that defined by subdivision A 1 of this section.

C. An individual operating a solid waste management facility that has been issued a permit by the Department of Environmental Quality but for which

the board has not established training and licensure requirements shall hold a Class I license until the board establishes the training and licensing requirements by regulation.

Historical Notes:

Derived from VR 674-01-02 §4.2, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000; Volume 22, Issue 26, eff. November 1, 2006.

18VAC155-20-120. Qualifications for licensure.

A. The board shall issue a license only after an individual has met, through a completed application and addendum, all training, testing, and experience requirements for at least one specific class as set forth in this chapter.

B. The applicant shall meet the following requirements for licensure for all classes of licenses:

1. The applicant shall be at least 18 years of age.
2. The applicant shall provide proof of high school or college graduation, or of having a General Equivalency Diploma (GED).
3. An applicant who cannot fulfill the requirement outlined in subdivision 2 of this subsection shall document at least five years of verified experience with a waste management facility during the preceding seven years, with at least three years of experience in at least one of the following activities:
 - a. Supervision;
 - b. Research;
 - c. Construction;
 - d. Project development;
 - e. Site development;
 - f. Compliance and enforcement of a permit or regulations;
 - g. Operation; or
 - h. Review of materials for permitting purposes.

4. Except for applicants that qualify pursuant to subdivision 3 of this subsection, each applicant shall document one year of verified operational experience with a waste management facility.

5. All applicants shall successfully complete the basic training course as defined in 18VAC155-20-220 B.

6. An applicant may use employment responsibilities in lieu of facility specific training as defined in subsections D through F of this section provided that:

a. The applicant has been a full-time employee at a waste facility specific to the desired license classification for at least three of the past seven years.

b. The employment responsibilities include at least one of those activities enumerated in subdivision 3 of this subsection.

7. Experience requirements claimed on the application for licensure shall be verified by the individual's supervisor(s) or personnel officer. Individuals who are under contract with a facility owner may obtain a letter from the facility owner to verify experience.

8. Education requirements claimed on the application for licensure shall be verified by the attendee's educational institution or authorizing jurisdiction on the provided form or in the form of an official transcript or letter. Diplomas will not be accepted for verification of degree or graduation.

9. The applicant holding a valid license from another state or jurisdiction may qualify by reciprocity under the provisions of 18VAC155-20-150.

C. The specific requirements for Class I licensure are as follows:

- 1. Complete a board-approved basic training course; and**
- 2. Pass the board-approved examination for Class I.**

D. The specific requirements for Class II licensure are as follows:

- 1. Complete a board-approved basic training course and an approved training course specific to Class II facilities; and**
- 2. Pass the board-approved examination for Class II.**

E. The specific requirements for Class III licensure are as follows:

- 1. Complete a board-approved basic training course and an approved training course specific to Class III facilities and pass the board-approved examination for Class III; or**
- 2. Complete the training and examination requirement of a federal or state agency under the federal Clean Air Act, as amended, as of the date applicable to an interpretation of a regulation or adjudication of a case decision and complete the board-approved basic training course within one year after licensure.**

F. The specific requirements for Class IV licensure are as follows:

- 1. Complete a board-approved basic training course and an approved training course specific to Class IV facilities and pass the board-approved examination for Class IV; or**
- 2. Complete the training and examination requirement of a federal or state agency under the federal Clean Air Act, as amended, as of the date applicable to an interpretation of a regulation or adjudication of a case decision and complete the board-approved basic training course within one year after licensure.**

Historical Notes:

Derived from VR 674-01-02 §4.3, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000; Volume 22, Issue 26, eff. November 1, 2006.

18VAC155-20-130. Application procedures.

A. Application shall be made on forms supplied by the department, and application forms shall be completed in accordance with the instructions on the forms. Failure to provide a complete application and all applicable addenda may result in a denial of approval. The failure to provide complete information may be interpreted as misrepresentation and may result in disciplinary action as defined by 18VAC155-20-280.

B. Those already licensed who desire to add another classification or classifications to their license shall apply under the provisions of 18VAC155-20-110.

Historical Notes:

Derived from VR 674-01-02 §4.4, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000.

18VAC155-20-140. Examinations.

A. Initial examination.

1. An individual may not take the board-approved examination until all training requirements have been completed and are verified to the board unless exempt under 18VAC155-20-120 B 5.
2. All applicants approved for the examination by the board will be notified in writing with a request for the examination fee defined in 18VAC155-20-40 B 5. The applicant will be scheduled for the next available examination upon receipt of the examination fee.
3. The examination fee will be required at least 30 days before the scheduled date of the examination.
4. All applicants shall achieve a passing score on the examination as determined by the board.
5. An individual unable to take an examination at the time scheduled shall notify the board prior to the date of the examination; such an individual shall be rescheduled for the next examination. Failure to notify the board may require the submittal of a new examination fee.

B. Reexamination.

1. An individual may retake the board-approved examination as many times as necessary to pass except those who have been waived from training requirements.
2. If the applicant has been waived from training under 18VAC155-20-120 B 5 and fails, the applicant may retake the examination once. After failing twice, the applicant shall complete the required training before retaking the examination.
3. Reexamination shall require the submission of the reexamination fee as defined in 18VAC155-20-40 B 5.

Historical Notes:

Derived from VR 674-01-02 §4.5, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000.

18VAC155-20-150. Reciprocity.

- A. Any individual holding a valid license in another state may apply for licensure based on reciprocity.
- B. The board will certify an individual who submits a completed application and the initial application fee and is in compliance with 18VAC155-20-280.
- C. All applicants licensed through reciprocity shall complete the basic training course within one year after being licensed in Virginia.
- D. If the licensee fails to complete the basic course and fails to properly notify the board of such failure within one year after licensure, the board may begin disciplinary action to suspend or revoke the license.

Historical Notes:

Derived from VR 674-01-02 §4.6, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000.

PART III

RENEWAL OF LICENSE

18VAC155-20-160. Procedures for renewal.

A. Licenses issued under this chapter shall expire biennially. Licensees shall be notified by mail of the fee and the procedures for license renewal. Each licensee desiring to renew his license shall ensure that the department receives the renewal notice; evidence of completion of continuing professional education/training; a statement that the license renewal applicant is in compliance with all facility specific operator training and examination requirements of federal and Virginia law and regulations, and of the facility operating permit(s); and the appropriate fee before the license expires.

B. Licenses shall be renewed for a period of 24 months from the date of the expiring license.

C. Failure to receive written notice from the department does not relieve the regulant from the requirement to renew his license. If the license holder fails to receive the renewal notice, a copy of the license may be submitted with evidence of completion of the continuing education/training and the appropriate fee.

D. The date the required fee is received by the department or its agent will be used to determine whether a penalty fee or the requirement for reinstatement of a license is applicable.

E. Revoked or suspended licenses are not renewable until reinstated by the board.

Historical Notes:

Derived from VR 674-01-02 §5.1, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000; Volume 22, Issue 26, eff. November 1, 2006.

18VAC155-20-170. [Repealed]

Historical Notes:

Derived from VR 674-01-02 §5.2, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; repealed, Virginia Register Volume 16, Issue 14, eff. May 1, 2000.

18VAC155-20-175. Continuing professional education/training.

A. Each applicant for license renewal shall provide evidence of the completion of at least eight contact hours of continuing professional education/training, as defined in 18VAC155-20-10 and in accordance with this section, except that no continuing professional education/training shall be required for the first renewal after the issuance of the initial license to an individual.

B. All CPE/T contact hours must be specific to the operation of a waste management facility.

C. Renewal applicants shall submit one or both of the following to document completion of the hours of CPE/T required by subsection A of this section:

1. For an organized program, a document with:

- a. The name, address and telephone number of the sponsor;
- b. The date(s) the applicant participated in the organized program;
- c. A copy of the syllabus or other descriptive material of the information presented during the organized program; and
- d. Verification of the number of contact hours completed that were specific to the operation of a waste management facility.

2. For a project, a document with:

- a. The name and address of the waste management facility where the project was conducted;
- b. The name of the owner, operator or manager of the facility who assigned the project;
- c. The name, address and telephone number of the knowledgeable person assigned to supervise the license renewal applicant during the project;
- d. A brief description of how the project's specific predetermined end result increased the license renewal applicant's competence; and

e. A statement of the number of contact hours required for the license renewal applicant to satisfactorily complete the project, which is signed by the owner, operator or manager of the facility where the project was conducted or by the knowledgeable person supervising the project.

D. The board shall advise the license renewal applicant of the approval of his CPE/T by issuing the renewed license provided all of the other renewal requirements of this chapter have been met. The board shall advise the license renewal applicant in writing of the deficiencies it finds in the CPE/T submitted and shall allow a reasonable amount of time for the renewal applicant to correct the deficiencies and respond.

E. Each licensee shall maintain evidence of the satisfactory completion of CPE/T for a period of three years. Such documentation shall be in the form required by subsection C of this section and shall be provided to the board or its duly authorized agents upon request.

F. CPE/T contact hours taken after the expiration of the individual's license to meet the CPE/T requirement of the prior license term shall not be reported for any future renewal.

Historical Notes:

Derived from Virginia Register Volume 16, Issue 14, eff. May 1, 2000.

18VAC155-20-180. Late renewal.

If the renewal fee, as provided for in 18VAC155-20-40 B 2, is not received by the department within 30 days after the expiration date noted on the license, the late renewal fee provided for in 18VAC155-20-40 B 3 shall be required.

Historical Notes:

Derived from VR 674-01-02 §5.3, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000.

18VAC155-20-190. Reinstatements.

If the licensee fails to renew his license within six months following the expiration date, the licensee shall be required to apply for reinstatement of the license. The applicant will be required to present reasons that the license was allowed to expire, and the board may grant reinstatement of the license or require requalification or reexamination or both. The application fee for reinstatement of a license shall be the amount provided for in 18VAC155-20-40 B

4. An individual who has not been reinstated within two years after expiration of the license must reapply as a new applicant. The new applicant shall provide evidence of satisfactory completion of the training course(s) required by this chapter and shall pass the examination as determined by the board.

Historical Notes:

Derived from VR 674-01-02 §5.4, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000.

18VAC155-20-200. Board discretion to deny renewal or reinstatement.

The board may deny renewal or reinstatement of a license for the same reasons as it may refuse an initial license or discipline a licensee.

Historical Notes:

Derived from VR 674-01-02 §5.5, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000.

18VAC155-20-210. Status of licensure during the period prior to reinstatement.

A. Reinstated licenses shall continue to have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license.

B. Reinstated licenses shall be regarded as having been continuously licensed without interruption. Therefore, the holder of the reinstated license shall remain under the disciplinary authority of the board during this entire period and may be held accountable for his activities during this period.

C. Licenses which are not renewed or reinstated shall be regarded as expired from the date of the expiration forward.

D. Nothing in this chapter shall divest the board of its authority to take disciplinary action for a violation of the law or regulations during the period of time for which an individual was licensed.

Historical Notes:

Derived from VR 674-01-02 §5.6, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000.

PART IV

TRAINING REQUIREMENTS

18VAC155-20-220. Training course curriculum.

A. The board shall approve only training courses that document that their instruction meets the minimum curriculum standards contained in this section.

B. A board-approved basic training course shall at a minimum include the following topics as they relate to nonhazardous solid waste management facilities:

1. Definitions.
2. Authority for regulations.
3. Purpose of regulations.
4. Administration of regulations.
5. Applicability of regulations.
6. Prohibitions.
7. Open dumps.
8. Unpermitted facilities.
9. Enforcement and appeal.
10. Penalties and enforcement.
11. Public participation.
12. Relationship with other regulations promulgated by the Virginia Waste Management Board, the State Water Control Board, and the Virginia State Air Pollution Control Board.
13. Identification of solid waste.
 - a. Purpose and scope.
 - b. Definitions of solid waste.

- c. Special wastes.
 - d. Exclusions.
 - e. Conditional exemptions.
- 14. Identification of unauthorized waste.
- 15. Overview of open dumps and unpermitted facilities.
- 16. Permitting of solid waste management facilities.
- 17. Review of Department of Environmental Quality Inspection Form.
- 18. Overview of permitted solid waste management facilities.
 - a. Transfer stations.
 - b. Material recovery facilities.
 - c. Experimental facilities.
 - d. Sanitary landfills.
 - e. Infectious waste incinerators.
 - f. Mass burn facilities.
 - g. Refuse derived fuel facilities.
 - h. Yard waste composting facilities.
 - i. Autoclaves.
- 19. Overview of general OSHA requirements.
- 20. Neighbor relations.
- 21. Recordkeeping and financial assurance.

C. A board-approved training course specific to Class II facilities shall include at a minimum the following topics:

- 1. Definitions.

2. Special wastes.

- a. General.**
- b. Asbestos wastes.**
- c. Wastes containing polychlorinated biphenyls.**
- d. Liquids.**
- e. Tires.**
- f. Drums.**
- g. White goods.**
- h. Soil contaminated with petroleum products.**
- i. Lead acid batteries.**
- j. Other prohibited wastes.**
- k. Hazardous wastes.**
- l. Screening for prohibited wastes.**
- m. Handling procedures for special or hazardous wastes.**
- n. Recordkeeping and notification requirements.**

3. Sanitary landfills.

- a. Design/construction.**
- b. Operation.**
- c. Groundwater monitoring.**
- d. Control of decomposition gases and landfill gas recovery systems.**
- e. Leachate control system and monitoring.**
- f. Leachate control system appurtenances.**
- g. Large landfill air operating permits.**

- 4. Construction/demolition debris standards.**
- 5. Industrial waste disposal standards.**
- 6. Other solid waste management facility standards.**
 - a. Compost facilities.**
 - b.. Surface impoundments and lagoons.**
 - c. Waste piles.**
 - d. Miscellaneous units.**
- 7. Permitting of solid waste management facilities.**
 - a. Solid waste.**
 - b. Virginia Pollution Discharge Elimination System (VPDES) permits and related water and wastewater permits.**
 - c. Air.**
- 8. Financial assurance documentation.**
 - a. Closure regulations.**
 - b. Post-closure regulations.**
 - c. Corrective action.**
- 9. Rulemaking petitions and procedures.**

D. A board-approved training course specific to Class III facilities shall include at a minimum the following topics:

- 1. Identification and listing of infectious waste.**
 - a. General.**
 - b. Exemption to regulations.**
 - c. Exclusions.**
 - d. Characteristics of infectious waste.**

e. Controlled infectious waste.

2. General requirements.

a. Permits and permits by rule.

b. Packaging and labeling requirements.

c. Management of spills.

d. Methods of treatment and disposal.

e. Approved test method.

f. Recordkeeping requirements.

3. Requirements for storage facilities.

a. Sanitation.

b. Access.

c. Temperature control and storage period.

d. Drainage and ventilation.

4. Requirements for transportation.

a. Sanitation.

b. Access.

c. Temperature and storage period.

d. Drainage.

e. Packaging, labeling and placards

f. Management of spills.

g. Loading and unloading.

h. Registration of transportation.

5. Requirements for incineration.

- a. Performance standards.
 - b. Analysis and management of ash residue.
 - c. Unloading operation.
 - d. Facility air operating permits.
 - e. Compliance with other regulatory requirements.
- 6. Requirements for steam sterilization.
 - a. Performance standards.
 - b. Compliance with other regulatory requirements.
- 7. Medical waste combustor regulations.
- 8. Financial assurance documentation.
 - a. Closure regulations.
 - b. Corrective action.

E. A board-approved training course specific to Class IV facilities shall include at a minimum the following topics:

- 1. Solid Waste Management Regulations.
 - a. Siting.
 - b. Design and construction.
 - c. Operation.
 - d. Waste characteristics.
- 2. Emissions formation and control.
 - a. Type of emissions.
 - b. Environmental effect.
 - c. Control techniques.
- 3. Emissions monitoring.

- a. Parameters monitored.
 - b. Types of monitors.
 - c. Data acquisition.
 - d. Monitor calibration, certification and testing.
- 4. Combustion and gas reactions.
 - a. Combustion components.
 - b. Optimizing solid waste combustion.
 - c. Gas reactions related to combustor construction materials.
- 5. Solid waste materials handling.
 - a. Front end processing equipment.
 - b. Combustion enhancement.
 - c. Back end processing.
 - d. Recycling benefits.
- 6. Waste combustion residue handling and disposal.
 - a. Types of residue.
 - b. Characteristics.
 - c. Regulations.
 - d. Monitoring.
 - e. Handling and transportation.
 - f. Disposal.
 - g. Alternative uses.
- 7. Safety.
 - a. Employer/employee obligations.

- b. OSHA.
 - c. Hazard communication.
 - d. Equipment tagout.
 - e. Respiratory protection.
- 8. Recordkeeping.
 - a. Engineering log keeping.
 - b. Maintenance.
 - c. Solid waste.
- 9. Virginia pressure vessel regulation.
- 10. Air pollution control regulations for waste combustors.
- 11. Facility air operating permits.
- 12. Plant operations.
 - a. Thermal fluids theory.
 - b. Boiler plant operations.
- 13. Financial assurance documentation.
 - a. Closure regulations.
 - b. Corrective action.

Historical Notes:

Derived from VR 674-01-02 §6.1, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000; Volume 22, Issue 26, eff. November 1, 2006.

18VAC155-20-230. Approval of training course.

A. Each applicant for training course approval shall meet the requirements established by this chapter before being granted approval by the board. Those desiring approval of a training course shall apply on a form provided by the department. The form shall be completed in accordance

with the instructions supplied, and shall be accompanied by three copies of the materials which document that the training course meets the requirements of this chapter and by the fee required by 18VAC155-20-40 B 6. Receipt and deposit of the required fee does not indicate board approval.

B. Training courses shall be approved by the board prior to the training activity in accordance with the following:

1. Training providers.

a. Organizations. The board may approve training courses offered by a sponsor who is an identifiable organization which can demonstrate the capability to teach environmental or engineering material. The organization shall have a mission statement outlining its functions, structure, process and philosophy, and a staff of one or more persons that has the authority to administer and coordinate the training program.

b. Schools. The board may approve training courses offered by an accredited academic institution which can demonstrate the capability to teach environmental or engineering material.

c. Businesses. The board may approve training courses offered by a business entity which can demonstrate the capability to teach environmental or engineering material.

2. Instructors. The training course provider shall ensure training is only conducted by personnel who have demonstrated competence in the subject being taught, an understanding of the learning objective, a knowledge of the teaching process to be used, and a proven ability to communicate.

3. Objectives. The training course provider shall ensure that the course has a series of stated objectives that are consistent with the type of facility, operator job requirements, and state and federal regulation. The training course shall be consistent with training criteria outlined in 18VAC155-20-220.

4. The board shall only approve courses which provide the participants a complete tour of a facility appropriate to the course emphasizing operator responsibilities. The basic training course is exempt from this requirement.

5. Course completion requirements. For successful completion of a training program, participants must attend 90% or more of the class contact time and the tour of the facility.

6. The training provider shall provide an effective means for evaluation of the quality of the course and the instructor(s).

7. The training provider shall ensure the number of participants and physical facilities are appropriate for the course content and teaching method specified by the developer of the course.

8. The training provider shall ensure all course materials are technically accurate, current and sufficient to meet the program's learning objectives.

C. Training records.

1. An approved training provider shall retain records for all participants for a period of 10 years and shall maintain a written policy on the retention and release of records.

2. All records pertaining to the approved training and participants shall be made available to the board immediately upon request.

D. The board shall consider the following information before deciding to approve or disapprove an application for training provider approval:

1. Course information.

a. Course title.

b. Planned audience.

c. Name of sponsor.

d. Name, address and telephone number of contact person.

e. Scheduled presentation dates.

f. Detailed course schedule on an hour-by-hour basis.

g. List of planned breaks.

h. Scheduled presentation locations.

i. Scheduled tour locations.

j. Instructor(s) resume.

2. Training materials.

a. Course objectives. A listing of the course objectives stated in terms of the skills and knowledge the participant will be able to demonstrate as a result of the training.

b. Course outline. A detailed outline showing the planned activities that will occur during the training program, including major topics, planned presentation sequence, tour activities, audio-visual presentations and other major activities.

c. Course reference materials. A list of name, publisher, and publication date of commercially available publications; for material developed specifically for the course, a copy of the reference material.

d. Audio-visual support materials. A list of any commercially available audio-visual support material that will be used in the course; a brief description of any audio-visual material generated by the sponsor or instructor.

e. Handouts. Identification of all commercially available handout material including regulations; copies of other handouts generated by the sponsor or instructor.

E. The board shall approve all substantial changes to the course before the changes may be implemented.

F. The board reserves the right to withdraw approval if the board determines the course is not adequately teaching participants, or the sponsor or an instructor violates this chapter.

Historical Notes:

Derived from VR 674-01-02 §6.2, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000.

18VAC155-20-240 to 18VAC155-20-270. [Repealed]

Historical Notes:

Derived from VR 674-01-02 §§6.3 to 7.3, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; repealed, Virginia Register Volume 16, Issue 14, eff. May 1, 2000.

PART V

DISCIPLINARY ACTION

18VAC155-20-280. Grounds for denial of application, denial of renewal, or discipline.

A. The board shall have the authority to deny an application for and to deny renewal of a license or training course approval, and to revoke or suspend the license or training course approval as well as to discipline a licensee or an approved training provider for the following reasons:

1. Violating or inducing another to violate any provisions of Chapters 1 (§54.1-100 et seq.), 2 (§54.1-200 et seq.), 3 (§54.1-300 et seq.) or 22.1 (§54.1-2209 et seq.) of Title 54.1 of the Code of Virginia, or any provision of this chapter.

2. Obtaining or renewing a license or training course approval through fraudulent means or misrepresentation.

3. Having been found guilty by the board, an administrative body or by a court of any material misrepresentation in the course of performing his operating duties.

4. Subject to the provisions of §54.1-204 of the Code of Virginia, having been convicted or found guilty, regardless of jurisdiction, of any felony, or of any violation that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment, there being no appeal pending therefrom or the time of appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. A certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision shall be admissible as prima facie evidence of such conviction.

5. Failing to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony, or of any violation that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment.

6. Gross negligence, or a continued pattern of incompetence, in the practice as a waste management facility operator.

7. Violating the permit conditions for the facility, or violating any federal, state or local laws or regulations which that resulted in the significant harm or the imminent and substantial threat of significant harm to human health or the environment.

B. Any individual whose license is revoked under this section shall not be eligible to apply for licensure for a period of one year from the effective date of the final order of revocation. After the one-year period, the individual shall meet all education, examination, experience and training requirements, complete the application and submit the required fee for consideration as a new applicant.

C. The board shall conduct disciplinary procedures in accordance with the Administrative Process Act (§2.2-4000 et seq. of the Code of Virginia).

Historical Notes:

Derived from VR 674-01-02 §8.1, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; Volume 16, Issue 14, eff. May 1, 2000; Volume 22, Issue 26, eff. November 1, 2006.

18VAC155-20-290. [Repealed]

Historical Notes:

Derived from VR 674-01-02 §8.2, eff. August 22, 1993; amended, Virginia Register Volume 11, Issue 1, eff. November 2, 1994; repealed, Virginia Register Volume 16, Issue 14, eff. May 1, 2000.

NOTICE

Included in this booklet are relevant excerpts from the Code of Virginia. Please note that the Virginia General Assembly is responsible for creating and amending the Code, not the Department of Professional and Occupational Regulation. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

CODE OF VIRGINIA

TITLE 54.1

CHAPTER 22.1.

WASTE MANAGEMENT FACILITY OPERATORS.

§ 54.1-2209. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board for Waste Management Facility Operators.

"Person" means an individual, corporation, partnership, association, governmental body, municipal corporation or any other legal entity.

"Waste management facility" means a site used for planned treatment, storage or disposal of nonhazardous solid waste.

"Waste management facility operator" means any person, including an owner, who is in charge of the actual, on-site operation of a waste management facility during any period of operation.

(1991, c. 551.)

§ 54.1-2210. Board for Waste Management Facility Operators; membership; terms.

The Board for Waste Management Facility Operators shall consist of seven members appointed by the Governor as follows: a representative from the Department of Waste Management, a representative from a local government that owns a sanitary landfill, a representative from a local government that owns a waste management facility other than a sanitary landfill, a representative of a private owner of a sanitary landfill, a representative of a private owner of a waste management facility other than a sanitary landfill, and two citizen members, one of whom shall be a representative of a commercial waste generator. No owner shall be represented by more than one representative or employee. Of the 1999 appointments, the terms shall be as follows: two shall serve a two-year term, two shall serve a three-year term, and three shall serve a four-year term. Thereafter the terms of Board members shall be four years, except that vacancies shall be filled for the unexpired term. No member shall serve more than two consecutive four-year terms.

(1991, c. 551; 1996, cc. 78, 824.)

§ 54.1-2211. Duties; licensing.

A. The Board shall promulgate regulations and standards for the training and licensing of waste management facility operators. The Board may establish classes of training and licensing based upon the type of waste management facility for which a waste management facility operator seeks a license. Training and licensing requirements may vary for the classes of license established by the Board based upon the type of facility and the type of waste managed at the facility. The Board shall consider an applicant's prior experience in determining whether the applicant meets the training requirements imposed by this chapter.

B. Any person may apply to the Board for approval of the training programs it administers to waste management facility operators. Such training programs shall be approved by the Board if they meet the requirements established by the Board. Any person successfully completing a training program approved by the Board shall be deemed to have met the training requirements imposed by this chapter.

(1991, c. 551; 1997, c. 885.)

§ 54.1-2212. License required.

Effective January 1, 1993, no person shall be a waste management facility operator or represent himself as a waste management facility operator without a license from the Board.

(1991, c. 551; 1997, c. 885.)